

# SENATE JOURNAL

*Fifty-fifth Legislature—Second Called Session*

AUSTIN, TEXAS, WEDNESDAY, NOVEMBER 13, 1957

## PROCEEDINGS

### FIRST DAY

(Wednesday, November 13, 1957)

In obedience to the proclamation of the Honorable Price Daniel, Governor of the State of Texas, the Senate met in the Senate Chamber at the City of Austin, on the 13th day of November, 1957, at 10:00 o'clock a.m. and was called to order by the President.

#### Temporary Officers

The President announced the appointment of the following as temporary officers of the Senate:

Secretary, Charles Schnabel.  
Journal Clerk, Minnie Meier.  
Calendar Clerk, Martha Turner.  
Doorkeeper, Charles Jones.  
Sergeant-at-Arms, John Dorman.  
Chaplain, Rev. W. H. Townsend.

#### Quorum Present

The President directed the Secretary to call the roll of the Senate.

The roll was called and the following Senators were present:

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

The President announced a quorum of the Senate present.

The invocation was offered by the Reverend W. H. Townsend, Chaplain.

### Proclamation by Governor Calling Special Session

The President laid before the Senate and directed the Secretary to read the Proclamation from the Governor.

#### PROCLAMATION

by the

Governor of the State of Texas

To All to Whom These Presents Shall Come:

I, Price Daniel, Governor of the State of Texas, do by virtue of authority vested in me by the Constitution of Texas, hereby call a special session, 55th Legislature, to be convened in the City of Austin, commencing at 10 a.m., Wednesday, the 13th day of November, A. D., 1957, for the following purpose:

To further provide for the maintenance of law, peace, and order in the operation of the public schools without the use of military forces: authorizing the school board having jurisdiction to close any school at which it finds that peace and order cannot be maintained without resort to military force or occupation, or at which federal troops are stationed for direction or control of the order, operation, or attendance at such school; providing that State aid, school accreditation, and payment of salaries to school officials, teachers, and employees shall not be affected thereby; providing that transfer of pupils may be made by the local board, and that the school shall be reopened at the earliest possible time that peace and order can be maintained without the use or occupation of military forces; and authorizing the Attorney General to assist any public school board requesting such assistance, in the defense of any legal action in a federal court challenging the constitutionality of a statute of this State and authorizing

the transfer of certain funds for such purpose.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

Done at Austin, Texas, this eleventh day of November, A. D., 1957, under the Seal of this State properly attested by the Secretary of State.

(SEAL) PRICE DANIEL  
ATTEST:  
ZOLLIE STEAKLEY

The Proclamation was read and was filed with the Secretary of Senate.

**Senate Resolution 1  
(Caucus Report)**

Senator Weinert offered the following resolution:

Austin, Texas,  
November 13, 1957.

Honorable Ben Ramsey, President of the Senate, Austin, Texas.

Sir: At a caucus held in the office of the Senate attended by 21 members of the Senate, the following recommendations were made, to-wit:

The following officers were elected to serve for the Second Called Session of the 55th Legislature, and at the salaries set opposite their names:

Secretary of the Senate, Charles Schnabel, \$500.00 per month.

Two Assistant Secretaries of the Senate, which shall be appointed by the Secretary of the Senate, \$14.00 per day.

Journal Clerk, Minnie Meier, \$15.00 per day.

Sergeant-at-Arms, for the duration of the Second Called Session, John Dorman, \$16.50 per day.

Doorkeeper, Charles Jones, \$13.00 per day.

Chaplain, Rev. W. H. Townsend, \$11.00 per day.

Calendar Clerk, Mrs. Martha Turner, \$14.00 per day.

Engrossment and Enrolling Clerk, Miss Essie McGinnis, \$19.00 per day.

Postmistress, Mrs. Vance Stockton, \$14.00 per day.

Mailing Clerk, Mrs. John Draper, \$14.00 per day.

Parliamentarian, named by the Lieutenant Governor, Dan Moody, Jr., \$16.50 per day.

It is recommended that the Lieutenant Governor and the Secretary of

the Senate each be permitted to name one secretary, the secretary of the Lieutenant Governor to receive \$16.00 per day and the secretary of the Secretary of the Senate to receive \$14.00 per day. The salaries of other employees of the Senate may be supplemented at the discretion of the Contingent Expense Committee. All officers and employees elected by this caucus shall hold their office or employment for the duration of the Second Called Session of the 55th Legislature.

It is further recommended that each Senator shall be permitted to employ a secretary and other office help at a maximum payroll of \$38.00 per day for each such Senator's secretary and employees with the maximum pay of \$14.00 per day for any such secretary or other office employee. The names of such employees shall be referred to an assignment committee hereinafter provided for and such committee shall be authorized to select employees from such list.

Salaries of other employees, unless otherwise fixed by the Senator, shall be \$12.00 per day.

It is further recommended that the Lieutenant Governor be authorized to name a committee of five, such committee shall be designated as an Assignment Committee for the purpose of assigning employees as herein authorized and the committee be authorized to select sufficient additional employees to be assigned by it when and where needed.

It is further recommended that the several appointments of employees heretofore made by the Lieutenant Governor and announced in the Senate and considered by the caucus are confirmed.

The salaries of the day and night elevator operators shall be \$8.00 per day each, and the salaries of the porters shall be \$7.00 per day each, except the head porter whose salary shall be \$12.00 per day and the porter carrying the mail shall receive \$7.00 per day, and the salaries of the pages shall be \$5.00 per day, and the salaries of the messengers shall be \$6.50 per day.

The Lieutenant Governor is requested to recommend that the Southwestern Telephone Company employ Miss Mary Jacobs to attend the duties of the telephone operator of the Senate, and a night operator be

named by the assignment committee, out of the employees whose names are filed with said committee.

The Lieutenant Governor, Senators and the Secretary of the Senate are hereby fully authorized and empowered to use any assistant Sergeant-at-Arms and all other necessary employees for any and all services needed in and about the Senate.

It is further recommended that no employee of the Senate, shall, during the time he or she is employed, furnish to any person, firm or corporation any information other than general information furnished the public pertaining to the Senate, and they shall not receive any compensation from any person, firm or corporation during their employment by the Senate, and any employee found guilty of violating this provision shall be immediately discharged.

All employees, except those responsible directly to the Lieutenant Governor, members of the Senate, Secretary of the Senate, committee, or to the head of a department, shall report for duty at eight o'clock a.m., and one o'clock p.m. each day to the Sergeant-at-Arms of the Senate, except part-time employees, who shall report at the place and time directed by the Sergeant-at-Arms, and none of such employees shall be paid for the days they are absent from the Senate, unless excused by the Sergeant-at-Arms.

It is further recommended that the Lieutenant Governor, each Senator and the Secretary of the Senate, be allowed the stationery and postage needed by them, respectively, and expenses incurred in transmitting and receiving telephone and telegraph messages and express charges as may be actually necessary in the discharge of their official duties, said expenses to be paid out of the contingent fund.

It is further recommended that 1,500 journals be printed, all of which shall be prorated among the Senators and Lieutenant Governor, except 175 journals shall be furnished the members of the House, and 75 copies of the daily journals shall be furnished to the State Library.

It is further recommended that the Senate request the State Comptroller of Public Accounts, to issue general revenue warrants for pay of the members and employees of the Senate upon presentation of the payroll account signed by the Presiding Officer and the Secretary of the Senate.

It is further recommended that each Senator, the Lieutenant Governor, the Secretary of the Senate, and Librarian be permitted to subscribe for 4 newspapers to be paid for out of the contingent fund.

The elected officers of the Senate may select, subject to the approval of the Contingent Expense Committee, employees to fill such key positions as may be authorized by said committee.

It is further recommended that the President of the Senate has exclusive appointment of a sufficient number of custodians, messengers, pages, elevator operators, porters and other employees as in his judgment may be necessary.

It is further recommended that the Chairman of the Finance Committee shall have authority to employ such additional employees of his own selection as may be needed by said committee, said employees to receive the same compensation paid similar positions as herein fixed, who shall discharge the duties of the Finance Committee.

It is further recommended that the private rooms allotted to the Senators by the method as adopted by the caucus be assigned to Senators and their successors unless otherwise directed by the Senate.

It is further recommended that each Senator, as quickly as possible, file with the Secretary of the Senate the name of his private secretary selected; that he also file with the Chairman of the Assignment Committee aforesaid the names of the employees selected, together with his or her post office address.

Be It Further Resolved,, that no employee of the Senate except those whose official duties require them to work upon the floor of the Senate, shall have access to the floor unless that employee shall have been requested by a Senator, the Lieutenant Governor, or the Secretary of the Senate to come on the floor for some official duty, which, when performed, he shall immediately leave the floor of the Senate. The Sergeant-at-Arms is specifically ordered to see that this provision is carried out.

Only those who have the privileges of the floor during the sessions of the Senate shall be permitted on the Senate floor for a period of thirty minutes prior to the time the Senate convenes. The Sergeant-at-Arms is

instructed to enforce this rule and to permit only those having the privileges of the floor to enter or remain on the Senate floor during such thirty-minute period.

Respectfully submitted,  
WEINERT  
Chairman of the Caucus

The resolution was read.

On motion of Senator Weinert and by unanimous consent the reading of the resolution was dispensed with and the resolution was unanimously adopted.

#### Motion in Writing

Senator Aikin submitted the following motion in writing:

Mr. President: I move that the President appoint a committee of three to notify the Governor that the Senate is duly organized and ready for business.

AIKIN

The motion was read and was adopted.

Accordingly, the President announced the appointment of the following as a committee to notify the Governor:

Senators Bracewell, Lock, Hazlewood, Fly and Smith.

#### Motion in Writing

Senator Aikin submitted the following motion in writing:

Mr. President: I move that the President appoint a committee of three to notify the House of Representatives that the Senate is duly organized and ready for business.

AIKIN

The motion was read and was adopted.

Accordingly, the President announced the appointment of the following as a committee to notify the House of Representatives:

Senators Kazen, Reagan, Bradshaw, Owen and Fuller.

#### Oath of Office Administered to Officers of the Senate

The President requested the elected officers of the Senate to proceed to the Bar of the Senate and they were administered the Constitutional Oath of Office.

(Senator Secrest in the Chair.)

#### Governor Notified

The Committee to Notify the Governor that the Senate was organized appeared at the Bar of the Senate and Senator Bracewell for the Committee notified the President and Senate that it had performed the duty assigned it.

#### House Notified

The Committee to Notify the House that the Senate was organized appeared at the Bar of the Senate, and Senator Kazen for the Committee reported that the Committee had performed the duty assigned it.

(President in the Chair.)

#### Election of President Pro Tempore for the Second Called Session of the Fifty-fifth Legislature

The President announced the election of a President Pro Tempore as the next order of business.

Senator Secrest nominated Senator William T. Moore of Brazos County as President Pro Tempore of the Second Called Session of the Fifty-fifth Legislature.

Senators Wood, Bracewell, Aikin, Lock, Ashley and Willis seconded the nomination of Senator Moore as President Pro Tempore.

There being no further nominations, the President appointed Senators Aikin and Bracewell as tellers to take up and count the ballots.

The ballots were taken up and counted and the President announced that Senator William T. Moore had received 30 votes with one present not voting for President Pro Tempore of the Second Called Session of the Fifty-fifth Legislature and declared him duly elected.

Senators Secrest, Roberts and Wood were appointed to escort Senator Moore and Mrs. Moore to the President's Rostrum. The President administered the Constitutional Oath of Office as President Pro Tempore for the Second Called Session of the Fifty-fifth Legislature to Senator Moore.

The President presented Senator Secrest and he presented Mrs. Moore

to the Members of the Senate. Senator Secrest then presented Senator Moore as President Pro Tempore for the Second Called Session of the Fifty-fifth Legislature.

President Pro Tempore Moore then addressed the Senate, expressing sincere appreciation for the honor bestowed on him.

#### Senate Notified

A committee from the House appeared at the Bar of the Senate and Representative Murray for the committee announced that the House of Representatives was organized and ready to transact business.

#### Message from the Governor

The following message received from the Governor today was read and was filed with the Secretary of the Senate:

Austin, Texas,  
November 13, 1957.

To the Members of the Second Called Session, Fifty-fifth Legislature:

I hereby submit the subject of further providing for the maintenance of law, peace and order in the operation of the public schools without resort to military occupation or control.

In this connection there are four vital objectives for the well being of our State and our people:

1. The protection and continuation of our public school system.
2. The preservation of good relations among all of our citizens.
3. The maintenance of law, peace and order.
4. The preservation of the rights and responsibilities of our State and local governments.

All four of these objectives have been threatened and endangered in a neighboring state by the occupation of a public school with military troops. This should never be necessary in Texas and should not be permitted to occur.

I firmly believe that peace and order can be maintained in this State through local and State law enforcement officers without the use of military forces, or if Federal troops ever occupy a public school in this State, I believe that it would be best for the school to be closed until such time as peace and order can be restored and

maintained without the use or occupation of military troops.

I recommend that such actions be left to the local school boards, and that State aid, accreditation, attendance records, salaries of school officials, teachers and employees should not be affected thereby.

A suggested draft of a proposed bill is attached for your consideration. The submission of this subject is limited to the specific purposes stated in the attached draft.

Respectfully submitted,  
PRICE DANIEL,  
Governor of Texas.

#### PROPOSED ANTI-TROOPS BILL

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. The purpose of this Act is to further provide for the maintenance of law, peace, and order in the operation of the public schools without resort to military occupation or control. The duties and powers vested in public officials and school boards under this Act shall be in addition to and cumulative of those with which they are vested under existing law for accomplishment of the purpose of this Act or any Section thereof.

Section 2. The Governor, through the Department of Public Safety, shall provide assistance when called upon by local authorities to prevent violence and maintain peace and order in the operation of public schools; provided that the Texas National Guard and other military forces shall not be called or used for such purposes by the Governor, or any other official authorized by the laws of this State, except as a last resort. In any instance where the school board having jurisdiction finds that violence or the danger thereof cannot be prevented except by resort to military force or occupation of a public school, the school board may close the school and suspend its operation for such period as the board finds it necessary to maintain order and the public peace in accordance with the terms of this Act.

Section 3. If, upon order of any Federal authority, the National Guard or any other military troops or personnel are employed or used on public school property or in the vicinity of any public school for direc-

tion or control of the order, operation, or attendance at such school, the school board having jurisdiction shall close the school and suspend its operation so long as said troops remain on or within the vicinity of the school for any of such purposes.

Section 4. If any school is closed pursuant to Sections 2 and 3 hereof, the salaries of school officials, teachers, and employees shall not be affected, and they shall be assigned to such duties as may be determined by the school board having jurisdiction. Neither shall State aid as provided by law or school accreditation be affected. The school board may authorize and provide for the transfer of pupils to another school in the district upon petition of the parents or persons standing in loco parentis. Compulsory attendance laws shall not be applicable, and pupils shall not be recorded as absent on attendance records when unable to attend school because of the application of this Act. The school board shall reopen such school at the earliest possible time that peace and order can be maintained without the use or occupation of military forces.

Section 5. In order to aid in preventing situations which might result in the occupation of public schools by military forces or the closure thereof, the Attorney General is authorized to assist any public school board which requests his assistance in the defense of any lawsuit in a Federal court which seeks to challenge the constitutionality of a statute of this State; provided that this section shall not apply with respect to any controversy which may occur between a public school board and an agency of the State which, under existing law, the Attorney General is authorized or required to represent. The Governor is authorized to transfer to the Attorney General from item 26 of the Governor's appropriation, House Bill 133, Regular Session, 55th Legislature, such funds as may be necessary to accomplish the purpose of this Section.

Section 6. The fact that public education under martial law or military occupation is wholly unsatisfactory and contrary to the concepts of freedom and democracy, and that it would be extremely detrimental to the well being and education of the school children of this State to be required to attend public school under the force and surveillance of mil-

itary troops, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

#### Message from the House

Hall of the House of Representatives  
Austin, Texas,  
November 13, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 3, Relative to pay of Members of the Second Called Session of the Fifty-fifth Legislature.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Communication Ordered Printed in Journal

On motion of Senator Phillips and by unanimous consent the following communication was read and ordered printed in the Journal:

State of Texas  
Office of Secretary of State  
Austin

Zollie Steakley  
Secretary of State

November 12, 1957,  
7 o'clock P.M.

Mr. Charles Schnabel, Secretary of the Senate, Austin, Texas.

Dear Mr. Schnabel:

S. R. No. 127 by Phillips was delivered to me at approximately 3:20 o'clock p.m. on this date; it reads as follows:

"Be it resolved by the Senate of the State of Texas that the Secretary of State be directed to submit to Secretary of the Senate, immediately, a list of all existing vacancies on Boards and Commissions of this state, for which terms have expired and appointments have not been made by the Governor, with the dates which such offices became vacant."

To comply, it was necessary to check my records of approximately 85 Boards and Commissions which

involve over 450 separate appointments by the Governor. That is the reason it has taken these last four hours to compile the information requested. The list of offices, the date of the expiration of present terms, and the names of those presently holding over in such offices, is hereto attached.

Very truly yours,  
ZOLLIE STEAKLEY  
Secretary of State

#### Expire

##### Accountancy, State Board of Public

Z. Turner McGuire ..... 9-4-57  
Harry Briner ..... 9-4-57  
Charles A. Meroney ..... 9-4-57  
David H. Spier ..... 9-4-57  
W. M. Parrish ..... 9-4-57  
J. A. Phillips (Resigned) .....

##### Aeronautics, Commission

Henry Ayres ..... 9-4-57

##### Architectural Examiners, Texas Board of

Harold E. Jessen ..... 7-21-57  
George Dahl ..... 7-21-57

##### Barber Examiners, State Board

Ransom Brannen ..... 5-19-57

##### Battleship "Texas" Commission

John A. Adams ..... 5-26-57  
Wm. Fred Elkins, Jr. .... 5-26-57  
Mrs. Pat R. Rutherford ..... 5-26-57

##### Burial Association Rate Board

F. Byron Crosier ..... 6-12-57  
Castle B. Ellis ..... 6-12-57  
Dale Broussard (resigned) .....

##### Chiropody Examiners, State Board of

Dr. Robert M. Park ..... 8-11-57  
Dr. Graham A. Scuddy ..... 8-11-57

##### Chiropratic Examiners, Texas Board of

Dr. John Glasin ..... 8-4-57  
Dr. L. K. Griffin ..... 8-4-57  
Dr. R. S. Florence ..... 8-4-57

##### Civil Judicial Council, Texas Advisory

Abner V. McCall ..... 7-1-57  
P. B. Randolph ..... 7-1-57  
Leon Jaworski ..... 7-1-57

##### Control, State Board of

E. Harold Beck ..... 8-31-57

##### Credit Union Advisory Commission

S. D. Jackman ..... 12-31-56

##### Engineers, State Board of Registration for Professional

Carl Lars Svensen ..... 9-24-57  
W. M. Andrews ..... 9-24-57

##### Fannin State Park, Commission

Walter Blutzner ..... 9-5-57

##### Finance Commission

Joe Van Cleave ..... 2-1-57  
R. J. Bartosh ..... 2-1-57

##### Gulf States Marine Fisheries Commission

Travis Bailey ..... 3-17-57

##### Galveston-Texas City, Pilot Commission for

M. L. Waugh ..... 4-15-57  
Anthony J. Stjepceovich ..... 4-15-57  
Robert T. Cohen III ..... 4-15-57  
W. P. Tarpey, Jr. .... 4-15-57  
John McCray ..... 4-15-57

##### Game and Fish Commission

Frank Wood ..... 9-1-57  
W. T. (Terry) Scarbrough ..... 9-1-57  
J. W. Elliott ..... 9-1-57

##### Good Neighbor Commission of Texas

R. L. Wheelock ..... 6-19-57  
Dorrance Roderick ..... 6-19-57  
Edwin Smith ..... 6-19-57

##### Hairdressers & Cosmetologists, State Board of

Mrs. James L. Moore ..... 8-9-57

##### Hospital Council, Advisory

Dr. Joseph D. Nichols ..... 7-17-57  
W. U. (Bill) Paul ..... 7-17-57  
C. B. Ray ..... 7-17-57  
F. S. Walters Jr. .... 7-17-57

##### Library & Historical Commission

Miss Laura Aline Hobby ..... 9-28-57  
Dr. Edmund Heinsohn ..... 9-28-57

##### Livestock Sanitary Commission

V. W. Boswell ..... 9-7-57  
Dr. H. H. Payne ..... 9-7-57

##### Medical Examiners, State Board of

Dr. David S. Stayer ..... 4-13-57  
Dr. Everett W. Wilson ..... 4-13-57  
Dr. Chester B. Gardner ..... 4-13-57  
Dr. J. G. Rodarte ..... 4-13-57

##### North Texas State College, Board of Regents of

Berl Godfrey ..... 5-25-57  
S. A. Kerr ..... 5-25-57  
Charles W. Duke ..... 5-25-57

**Vocational Nurse Examiners,  
State Board of**

Dr. R. D. Holt, Jr. .... 9-7-57  
Sister Eugenia ..... 9-7-57  
Mrs. Lena Webber ..... 9-7-57

**Plumbing Examiners, State Board of**  
Melvin C. Sueltenfuss ..... 5-28-57  
Norman Henne ..... 5-28-57

**Public Surveyors, State Board of  
Registration for**

Arch Clark ..... 9-6-57  
George H. Lacy ..... 9-6-57

**Railroad, Board of Managers of  
the Texas State**  
Johnnie Herrington ..... 4-8-57

**Real Estate Commission, Texas**  
Harvey W. Draper ..... 10-5-57  
James N. Ruhmann ..... 10-5-57

**Sabine River Compact**  
J. Ross Hopkins ..... 9-10-57

**Sabine River Authority**  
Carroll Swearingen (resigned) .....

**San Jacinto State Park  
Commissioners**  
Miss Mary Todd ..... 5-23-57  
Charles E. Gilbert, Jr. .... 5-23-57  
W. T. Kendall ..... 5-23-57

**Teacher Retirement System of  
Texas, Board of Trustees**  
Miss Quata Woods ..... 8-31-57

**Texas Southern University,  
Board of Directors**  
Dr. M. L. Edwards ..... 2-1-57  
Mack Hanna, Jr. .... 2-1-57  
J. O. Noble ..... 2-1-57

**Tuberculosis Nurse Examiners,  
State Board of**  
Mrs. Jessie Williams Smith (resigned)

**Uniform State Laws,  
Commission on**  
Gus M. Hodges ..... 7-7-57  
Ben H. Powell ..... 7-7-57  
Tom Martin Davis ..... 7-7-57  
Talbot Rain ..... 7-7-57  
Judge A. J. Folley ..... 7-7-57

**Veterinary Medical Examiners,  
State Board of**  
Dr. Drew Ward ..... 8-26-57  
Dr. Carl Fink ..... 8-26-57

**Water Engineers, State Board of**  
H. A. Beckwith ..... 8-9-57

**House Concurrent Resolution 3 on  
Second Reading**

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 3, Relating to pay of Members of Second Called Session of 55th Legislature.

The resolution was read and was adopted.

**Senate Bill on First Reading**

Pursuant to provisions of the Proclamation of the Governor for the Second Called Session of the Fifty-fifth Legislature, the following bill was introduced, read first time, and referred to the committee indicated:

By Senator Lane:

S. B. No. 1, A bill to be entitled "An Act relating to the maintenance of peace and order in the operation of public schools without resort to military occupation and control; authorizing the closing of such schools by the Governor or the school board having jurisdiction when violence or the danger thereof cannot be prevented except by resort to military occupation; providing that the school remain closed so long as troops remain; providing that salaries, state aid and accreditation shall not be affected, authorizing transfer of pupils to other schools, suspending compulsory school laws, providing for out-of-class instruction during application of this Act; authorizing the Attorney General to assist any school board in defense of any lawsuit in a Federal Court challenging constitutionality of a state statute and transferring funds for such purpose; providing that the provisions of the Act shall be severable; and declaring an emergency."

To the Committee on State Affairs.

**Senate Resolution 2**

Senator Bradshaw offered the following resolution:

Whereas, The laws of the State of Texas presently allow a farmer to entrap up to 200 acre-feet of water without the necessity of securing a permit from the Board of Water Engineers; and

Whereas, Many farmers and ranchers in all sections of the state have



availed themselves of the conservation practices afforded by this law; and

Whereas, The Board of Water Engineers now requires that a permit be obtained before this water can be used for any purposes other than domestic and stock use; and

Whereas, Other farmers would avail themselves of conservation of water and prevention of floods if they were allowed to use this water for all agricultural purposes; now, therefore, be it

Resolved, That the Senate of Texas do respectfully request that the Governor submit to the Second Called Session of this 55th Legislature legislation that will enable the farmers and other landowners of this State to use a reasonable amount up to 200 acre-feet of water for all beneficial purposes; and, be it further

Resolved, That a copy of this resolution be forwarded to the Governor of the State of Texas.

BRADSHAW  
MOORE  
WOOD  
ROBERTS

The resolution was read and was adopted.

#### Record of Votes

Senators Phillips, Fuller, Reagan and Parkhouse asked to be recorded as voting "Nay" on the adoption of the above resolution.

#### Senate Resolution 3

Senator Krueger offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Walter Malec of Hallettsville, Lavaca County; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate and that he be extended the privileges of the floor for the day.

The resolution was read and was adopted.

Senator Krueger by unanimous consent presented Mr. Malec to the Members of the Senate.

#### At Ease

On motion of Senator Lane and by unanimous consent the Senate at 11:20 o'clock a.m. agreed to stand At Ease for ten minutes.

#### In Legislative Session

The President called the Senate to order as in Legislative Session at 11:24 o'clock a.m. today.

#### Recess

On motion of Senator Hardeman the Senate at 11:25 o'clock a.m. took recess until 10:30 o'clock a.m. tomorrow.

#### After Recess

#### FIRST DAY

(Continued)

(Thursday, November 14, 1957)

The Senate met at 10:30 o'clock a.m., and was called to order by the President Pro Tempore.

#### Senate Bill on First Reading

Pursuant to provisions of the Proclamation of the Governor for the Second Called Session of the Fifty-fifth Legislature, the following bill was introduced by unanimous consent, read first time, and referred to the committee indicated:

By Senator Lane:

S. B. No. 2, A bill to be entitled "An Act authorizing the Attorney General to assist any School Board in defense of any lawsuit in a Federal Court challenging constitutionality of a State statute and transferring funds for such purpose; and declaring an emergency."

To the Committee on State Affairs.

#### Senate Concurrent Resolution 1

Senator Herring by unanimous consent offered the following resolution:

S. C. R. No. 1, Granting O. E. Loessin, Jr., and wife permission to sue the State of Texas.

Whereas, O. E. Loessin, Jr., and wife Elizabeth Loessin, are residents of Williamson County, Texas, and are the owners of approximately three acres of real property, and certain